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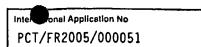
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Björklund, A

Form PCT/ISA/210 (second sheet) (January 2004)

European Patent Office, P.B. 5818 Patentiaan 2 NL – 2280 HV Rijswijk Tel. (+31–70) 340–2040, Tx. 31 651 epo nl, Fax: (+31–70) 340–3016

Name and mailing address of the ISA



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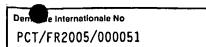
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TRANSLATION PATENT COOPERATION TREATY

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| 1. | | | | ninary examination re applicant according t | | s International Preliminary Examining Authority |
| 2. | This RE | PORT consists | of a total of | 6 | sheets, includ | ing this cover sheet. |
| 3. | | | _ | NEXES, comprising | | |
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| | a. K. | , | | to the International Bi | | sheets, as follows: |
| | | | containing rec | | | n amended and are the basis for this report and/or Rule 70.16 and Section 607 of the Administrative |
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| 4. | This rep | oort contains ind | ications relatin | g to the following ite | ms: | - |
| | \boxtimes | Box No. I | Basis of the | report | | |
| | | Box No. II | Priority | | | |
| | | | | | n regard to novelty, inve | entive step and industrial applicability |
| | | Box No. IV | Lack of unit | y of invention | | |
| | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | |
| | | Box No. VI | Certain docu | ments cited | | |
| Box No. VII Certain defects in the international | | | cts in the international | application | | |
| | | Box No. VIII | Certain obse | rvations on the interna | ational application | |
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| Name and mailing address of the IPEA/EP | | | | Authorized Officer | | |
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| Faccimi | L. M. | | | | Telephone No | |

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International application No.

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| Box | No. I | | Basis of the report | | | | |
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| | | which i | eport is based on translations from the original language is the language of a translation furnished for the purporternational search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4) international preliminary examination (Rule 55.2 and/ | oses of: | • | | |
| 2. | rece | iving Of report): the inte | to the elements of the international application, this fice in response to an invitation under Article 14 are error application as originally filed/furnished scription: | | | | |
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International application No.
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| Box | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | |
| 1. | Statement | • | | | | | |
| | Novelty | (N) | Claims | YES | | | |
| | | | Claims 1-8 | _ NO | | | |
| | Inventiv | e step (IS) | China | VEC | | | |
| | | | Claims 1-8 | – YES NO | | | |
| | | | | | | | |
| | Industrial applicability (IA) | | Claims 1-8 | - YES | | | |
| | | | Claims | - NO | | | |
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| | | | nt application fails to meet the | | | | |
| | requirements of PCT Article 33(1), since the | | | | | | |
| | | - | atter of claims 1 to 8 does not comply | | | | |
| | | with the criterion of novelty as defined by PCT | | | | | |
| | | Article 33 | 3(2). | | | | |
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| | 2.1 | D1 describ | bes (the references between parentheses | | | | |
| | apply to s | | said document): | | | | |
| | | a needlele | ess syringe (figures 1 to 4) that | | | | |

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

comprises a body housing a cylindrical container (2) closed by a moveable upstream stopper (10) and a moveable downstream stopper (11) in which an active principle (9) is enclosed, and further comprises, downstream, a receptacle (18) with at least one peripheral injection duct (17); said receptacle abuts the container and includes a bore (18) in which the downstream stopper is housed when it is brought into contact with the bottom of the bore of said receptacle by the operation of a drive means (3, 5 and 7) for moving the upstream stopper/liquid/downstream stopper assembly; the side wall of the bore comprises at least one projection that forms a constriction relative to the upstream opening of the bore (23, [0008]) and the peripheral duct includes a radial portion communicating with the bore. (When the downstream stopper 11 is located in the bore 18, peripheral ducts are formed between the walls of the bore 18 and the stopper 11 by virtue of the projections 23 (see figure 3, [0028]); said peripheral ducts must inevitably be linked to the outlet 17 and thus necessarily include radial portions downstream of the stopper 11. Said radial portions communicate with the bore).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

2.3 Note that a duct placed at the bottom of the receptacle is also peripheral, and is therefore included in the subject matter of claim 1.

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- 2.4 The applicant's arguments according to which claims 1 to 8 meet the requirements of PCT Article 33(1) are not convincing, because the definition of the peripheral duct is not sufficient to differentiate it from the peripheral duct of D1.
- 3. In the light of D1 to D5 and the corresponding passages cited in the international search report, dependent claims 2 to 8 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step, because they merely define trivial design options known to a person skilled in the art.
- 4. Note that, if the peripheral duct in claim 1 were defined in a more precise manner enabling it to be differentiated from the duct of D1, such a claim would probably meet the requirements of PCT Article 33(1).

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Box No. VII Certain defects in the international application The following defects in the form or contents of the international application have been noted: D1, which describes the prior art, has not been mentioned in the description (PCT Rule 5.1(a)(ii)).